

**REPORT - PLANNING COMMISSION MEETING
May 26, 2005**

Project Name and Number: America's Tire Company (PLN2005-00148)

Applicant: Dan Wainwright

Proposal: To consider a Finding for Site Plan and Architectural approval for an approximately 490 square foot addition to an existing commercial building.

Recommended Action: Approve, based upon findings and subject to conditions.

Location: 3850 Beacon Avenue, Central Planning Area

Assessor Parcel Number(s): 501-1130-014-02

Area: 0.56 acre lot

Owner: C. Jay Voss, Trustee, The Rhoades Trust

Agent of Applicant: Noel Anasco, Bergman Architecture

Environmental Review: This project is exempt from the California Environmental Quality Act (CEQA) per section 15303, New Construction or Conversion of Small Structures.

Existing General Plan: Central Business District

Existing Zoning: Central Business District

Existing Land Use: 5,814 ft² building with tire sales and service

Public Hearing Notice: A total of 57 notices were mailed to owners and occupants of property within 300 feet of the site on the following streets: Beacon Avenue, California Street, Fremont Boulevard, and State Street. The notices to owners and occupants were mailed on May 13, 2005. A Public Hearing Notice was delivered to The Argus on May 9, 2005 to be published by May 12, 2005.

Executive Summary: The applicant is requesting Site Plan and Architectural Approval for an approximately 490 square foot addition to an existing 5,814 square foot building on a 0.56 acre lot at 3850 Beacon Street in the Central Business District. This addition would facilitate the safe temporary storage of tires in a building adjacent to the garage until their removal from the premises for recycling. The proposal also includes relocation of a trash enclosure to a nearby location on the property. Fremont Municipal Code (FMC) Section 8-21201 requires proposed "new structures, building additions, or exterior modifications" in the C-B-D to undergo Site Plan and Architectural Approval in a public hearing with the planning commission before construction commences. Staff recommends approval of the project, based on findings and subject to conditions herein.

Background and Previous Actions: On April 12, 1965, the Planning Commission approved Conditional Use Permit U-65-11 with restaurants and a bank stretching from Fremont Boulevard to California Street along the south side of what was later named Beacon Avenue.

U-68-11 later approved, among other things, a "small office building" located "approximately eighteen feet from Beacon Avenue and fifty-seven feet from California Street." The approved uses were a bank and an office.

A minor subdivision, with the approval of MS-68-8 on May 13, 1968, created the subject parcel and the adjacent lot that now contains a Bank of America. This location was apparently modified to become an auto repair service. City records show a "General Tire & Rubber" store operating at this location in 1970, indicating that a use similar to that which is now existing has had a long history on the site.

There are no recent planning applications on file relating to this location.

Project Description: The applicant is requesting Site Plan and Architectural Approval for an approximately 490 square foot addition to an existing 5,814 square foot building. This addition would facilitate the safe temporary storage of tires in a building adjacent to the garage until their removal from the premises for recycling. It would also approve the relocation of a trash enclosure to a nearby location on the property. FMC 8-21201 requires proposed "new structures, building additions, or exterior modifications" in the C-B-D to undergo Site Plan and Architectural Approval in a public hearing with the planning commission before construction commences.

PROJECT ANALYSIS:

General Plan Conformance: The existing General Plan land use designation for the project site is Central Business District. The following General Plan Goals, Objectives and Policies are applicable to the proposed project:

General Plan Land Use Policy LU 2.4: "All service uses are allowed in the C-B-D." The project is defined as an addition to a minor automobile repair service, and is therefore consistent with this policy.

General Plan Land Use Policy LU 2.5: "Auto repair and auto sales" are "generally inappropriate for the Central Business District." The fact that the zoning code does not prohibit "minor" auto repair further qualifies the term "generally inappropriate" to mean that less intense uses of this type can be supported. The use has existed since before the adoption of the current General Plan, and this proposal does not intensify that use. Therefore, the project is consistent with this policy.

Central Business District Concept Plan: The site is on the inside edge of Subdistrict 2a of the Central Business District (C-B-D) Concept Plan. According to the C-B-D Concept Plan, "proposed additions" in this area "should be designed to bring buildings closer to conformance with the intent of the Guidelines, wherever feasible" (page 79, c2). This project correlates positively with several goals, including the encouragement of parking lots being screened from the street by buildings and landscape buffers. In addition, no pedestrian access ways are affected by this proposal.

Zoning Regulations: The existing Zoning Designation of the project parcel is C-B-D, Central Business District, the purpose of which is "to provide for a concentration of retail, service and office uses reflecting needs of the entire city and the subregion" (FMC Section 8-21200). Tire service is a need for all residents who use an automobile. This use is defined as minor automobile repair in FMC Section 8-2110.1, distinguished from major repair by the size of vehicles that it serves and the level of repair offered. Article 12 of the Planning and Zoning Chapter specifically prohibits "[a]uto repair services and garages *other than minor repair* and automobile parking" [FMC Section 8-21201.1(c), emphasis added]. Therefore, the use is consistent with applicable zoning regulations. FMC Section 8-21205(b)(2) specifies a maximum allowable Floor Area Ratio (FAR) of 0.5 for this location. The floor area ratio would be approximately 0.26 after the tire storage room is reconstructed, which is approximately half of the allowable FAR for this site.

Parking: The Fremont Municipal Code requires a minimum of 5 parking spaces for a motor vehicle repair service up to 3,000 square feet, plus an additional space for each additional 800 square feet [Section 8-22003(b)(2)d.]. Therefore, the existing 5,814 square feet of floor area requires 9 parking spaces, and the 490 square foot addition would require one additional space for a total of 10. Currently, the site exceeds the required minimum parking with 17 total parking spaces, including one designated for handicapped. 15 are provided in a diagonal configuration along the southeasterly edge of the lot and 2 are in parallel in front of the proposed garbage enclosure. After this project, the site would maintain 150% of the required parking spaces with a total of 15 spaces.

DESIGN ANALYSIS:

Architecture: The site currently has a one-story concrete block masonry building with a lobby facing the southwest and three auto repair bays with steel roll-up doors that open onto the parking area toward the southeast. A canopy with red and white signage overhangs the concrete walkway on the windowed southwestern side of the building as well as approximately one-third of the building façade's length along Beacon Street. The proposed tire storage room and garbage enclosure at the northeastern end of the property are proposed to be reconstructed using complementary design, colors, and materials. A metal door for personnel and a roll-up door of similar design to the type on the service bays would be provided on the tire storage room as shown on Exhibit A, Sheet A3. Because used tires represent a unique risk of fire, a 4-hour separation would be provided in between the tire storage room and the rest of the building.

Landscaping: All existing trees on the site will be preserved as shown on Exhibit "A". A condition is proposed to require protection, screening, and enhancement measures to be implemented during construction. At staff's request, the applicant has prepared a landscape plan that includes provision for the long-term maintenance of healthy, attractive landscaping along Beacon Avenue. Adequate irrigation plans shall be provided for landscaping as determined by City staff during the **Development Organization** review process.

ENGINEERING ANALYSIS:

Circulation and Access: Pedestrian and vehicular access and egress would not be affected by this proposal. Vehicles continue to enter from Beacon Avenue into the driveway on the southwest side and egress northward onto Beacon Street using an existing driveway between the proposed addition and garbage enclosure. The proposed project does not include modifications to these existing driveways or public street improvements. In order to maintain proper circulation on the site, tires would be stored inside the tire storage room, and the dumpster would be stored inside the garbage enclosure. Onsite circulation is modified in the northeastern corner to accommodate the proposed garbage enclosure. A two-story parking garage, one and one-half stories of which is above ground, exists on the adjoining lot along the nose ends of the diagonal parking. No modifications to the diagonal parking configuration are proposed.

ENVIRONMENTAL ANALYSIS: The proposed project has been reviewed under the California Environmental Quality Act (CEQA) Guidelines and has been found to be exempt under Section 15303, New Construction or Conversion of Small Structures.

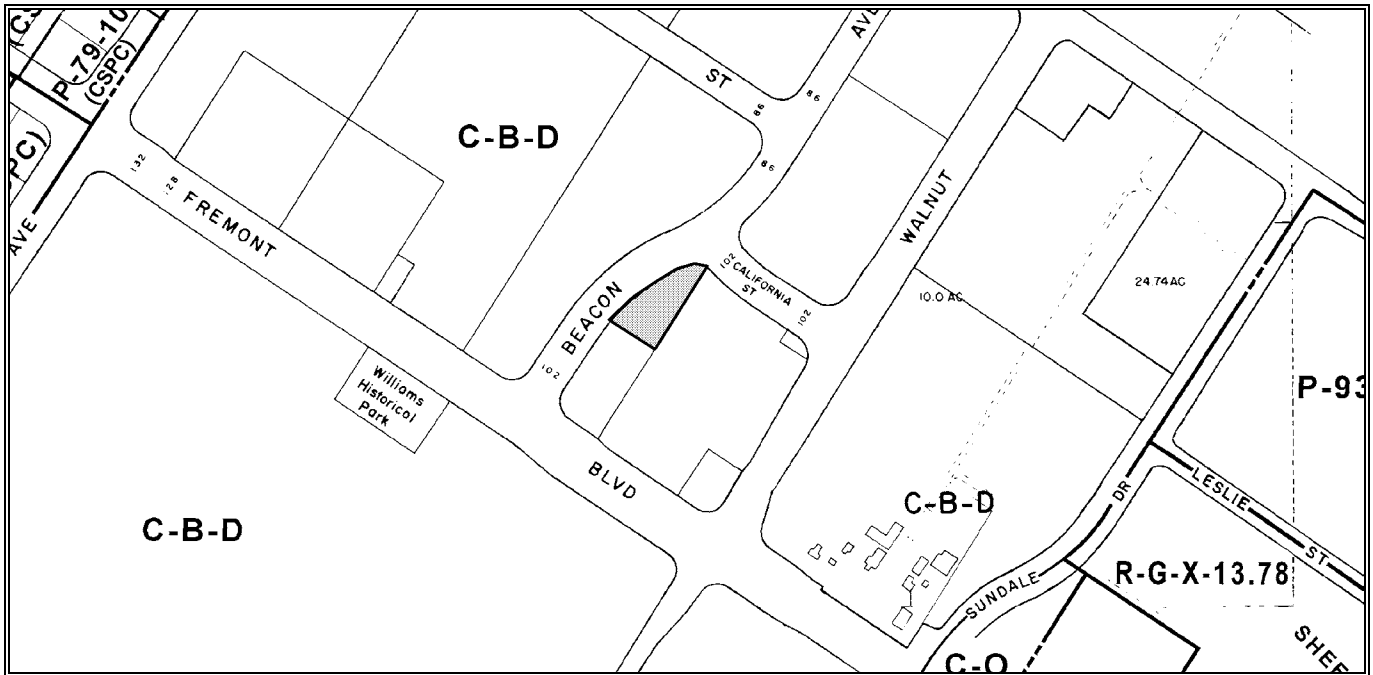
ENCLOSURES: Exhibit "A" Site Plan (A1.0), Floor Plan (A2.0), Exterior Elevations (A3.0), Landscape Plan (L-1).
Exhibit "B" Findings and Conditions of Approval.

EXHIBITS: Exhibit "A" Site Plan (A1.0), Floor Plan (A2.0), Exterior Elevations (A3.0), Landscape Plan (L-1).
Exhibit "B" Findings and Conditions of Approval.

Recommended Actions:

1. Hold public hearing.
2. Find the project categorically exempt from CEQA per Section 15303 of the CEQA Guidelines as they relate to the conversion or construction of small structures.
3. Find that the proposed project is in conformance with the relevant provisions contained in the City's General Plan. These provisions include the designations, goals and policies set forth in the General Plan's Central Business District section within the Land Use Chapter as enumerated within the staff report.
4. Approve PLN2005-00148, as shown on Exhibit "A", subject to findings and conditions in Exhibit "B".

Existing Zoning
Shaded Area represents the Project Site



Existing General Plan

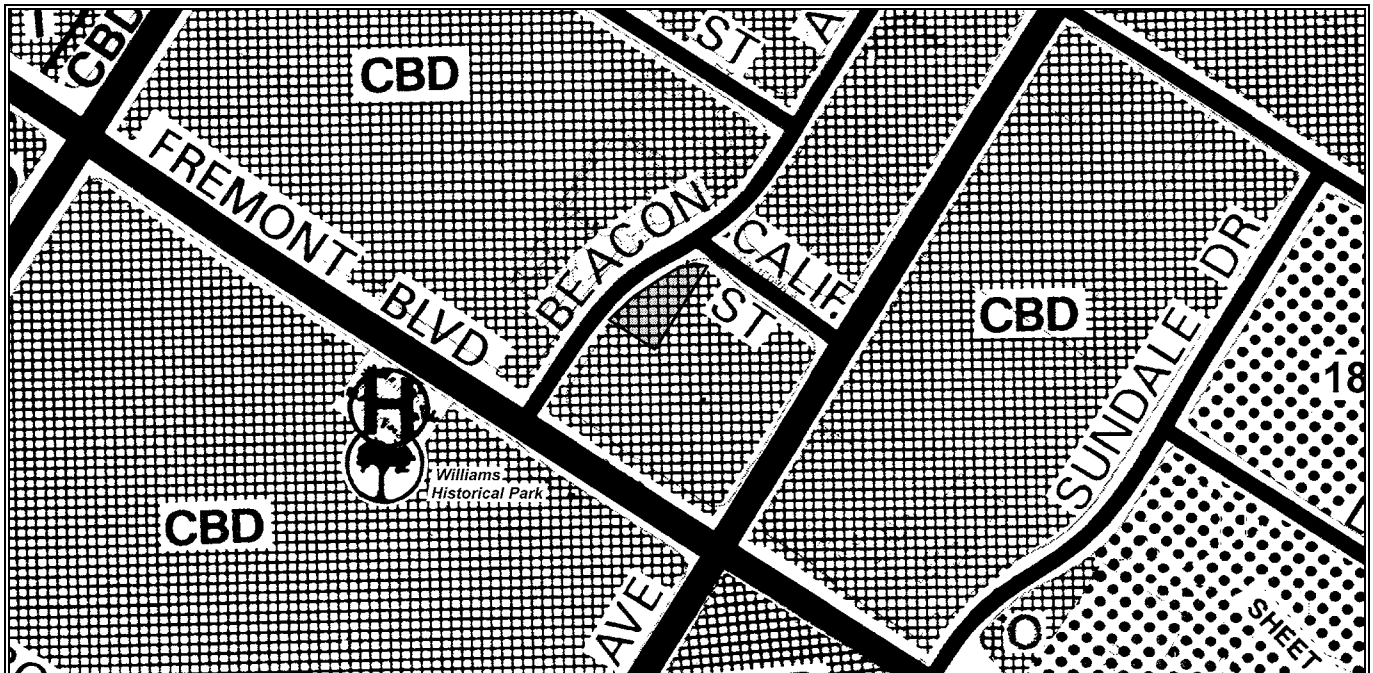


EXHIBIT "B"
Findings and Conditions of Approval for
PLN2005-00148 (Finding)
3850 Beacon Street – Tire Storage Room Addition

Central Business District (C-B-D) Findings:

- 1) The proposed development properly relates to essential on-site facilities such as off-street parking, loading and unloading areas, traffic circulation and access points.

The applicant's proposed expansion does not affect pedestrian circulation. Landscaping details will be added to enhance the modified areas from both within the site and along Beacon Avenue and California Street
- 2) The proposed development properly relates to public agency service requirements and opportunities, especially emergency public safety services;

The existing and proposed buildings are easily accessible and visible. The City of Fremont Police and Fire Departments have reviewed the proposal to provide for appropriate access and fire protection.
- 3) The proposed development is visually, physically and functionally compatible with neighboring uses and neighborhood characteristics;

The building expansion and site improvements will compliment the existing building. In addition, the applicant has worked with staff to provide additional architectural detailing and landscaping to enhance the project site.
- 4) The proposed development includes open space or other site facilities and provides an attractive environment for the occupants of the property to be developed.

*Specific landscaping modifications associated with the applicant's proposal will be subject to staff review and approval during the **Development Organization** review process.*

General Conditions

- A-1. Approval of PLN2005-00148 shall conform to Exhibit "A" (Site Plan, Floor Plan, Exterior Elevations, and Landscape Plans) and all of the applicable conditions of approval set forth herein. The plans submitted to the **Development Organization** shall substantially conform to the plans submitted with this application, except as modified herein.
- A-2. Minor modifications to Exhibit "A" (Site Plan, Floor Plan, Exterior Elevations, and Landscape) may be made subject to the review and approval of the Planning Director if such modifications are in keeping with the intent of the original approval, unless the Planning Director finds that such modification warrants review and approval by the Planning Commission.
- A-3. The applicant shall submit appropriate plans to the **Development Organization** for review to ensure compliance with all City codes, policies, and other requirements of the Fremont Municipal Code.

Planning Requirements

- B-1. Other than public roadway lights, no exterior lighting shall be permitted except that which has concealed source, subject to the review and approval of staff during the **Development Organization** review process.

Environmental Services Requirements

- E-1. The trash enclosure shall be designed to prevent run-on or run-off from the area. Water used in the course of business operations shall not drain to the storm drain system; these areas should connect to the sanitary sewer system.

Fire Department Requirements

- F-1 The applicant shall provide a 4-hour rated separation between the tire storage addition and the primary building.

Landscaping Requirements

- L-1 Landscaping provided shall support ease of maintenance of healthy, attractive, long-term landscaping.
- L-2 Flowering shrubs shall be provided instead of annuals in the landscaping planters along the southwest of the property
- L-3 An adequate irrigation plan shall be provided as determined by city staff during **Development Organization** review.

HAZARDOUS MATERIALS UNIT:

- G-1. The applicant must immediately notify the Fremont Fire Department Hazardous Materials Division of any underground pipes, tanks or structures; any suspected or actual contaminated soils; or other environmental anomalies encountered during site development activities. Any confirmed environmental liabilities will need to be remedied prior to proceeding with site development.

END OF CONDITIONS